

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dietschi et al. Examiner: Tapolcai, William E.
Serial No.: 10/539,911 Group Art Unit: 3744
Filed: June 16, 2005 Docket: 1325-5 PCT/US
Confirmation No: 8413 Dated: March 31, 2009
For: FLUID COOLING SYSTEM,
COOLED FLUID
DISPENSER COMPRISING
THE LATER, AND
METHODS FOR
STERILIZATION THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of the Primary Examiner, mailed October 15, 2009, finally rejecting Claims 1-4, 8, 10, 11, 13, 14, 16, 17, 19-22 and 37-45.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

other than a small entity.
 small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

Certificate of EFS-Web Transmission
I hereby certify that this correspondence is being transmitted
to the U.S. Patent and Trademark Office via the Office's
electronic filing system on March 31, 2009.
Michelle Flaherty
(Printed Name)
Signature: _____ /michelle flaherty/

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 CFR 41.20(b)(1), the fee for filing the Notice of Appeal is:

<input checked="" type="checkbox"/> small entity	\$270.00
<input type="checkbox"/> other than small entity	\$540.00

Notice of Appeal fee due **\$270.00**

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (A) or (B), as applicable)

- (A) Applicants petition for an extension of time under 37 CFR 1.136 for the total number of months checked below (fees: 37 CFR 1.17(a)-(d)):

	Extension <u>(months)</u>	Fee for Other than <u>Small Entity</u>	Fee for <u>Small Entity</u>
[]	one month	\$ 130.00	\$ 65.00
[]	two months	\$ 490.00	\$ 245.00
<input checked="" type="checkbox"/>	three months	\$ 1,110.00	\$ 555.00
[]	four months	\$1,730.00	\$ 865.00

Fee due for indicated extension **\$555.00**

(check and complete the next item, if applicable)

- An extension for 2 months has already been secured. The fee paid therefor of \$ 245.00 is deducted from the total fee due for the total months of extension now requested.

- (B) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 270.00
Extension fee (if any) \$ 310.00

TOTAL FEE DUE **\$ 580.00**

5. FEE PAYMENT

- [] Attached is a check in the sum of \$ _____.
 Charge Account No. 08-2461 the sum of \$ **580.00**

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

- If any additional extension and/or fee is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

AND/OR

- If any additional fee for claims is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

Respectfully submitted,

/steven t zuschlag/

Steven T. Zuschlag
Registration No. 43,309
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
STZ/mf
312953_1.DOC